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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 United States of America,

2:19-mj-316-CWH

10 Plaintiff,

**Stipulation to Continue Preliminary
Hearing (First request)**

11 vs.

12 Jose Guillermo Tello-Albaran,

13 Defendant.

14 It is stipulated and agreed, by and between Nicholas A. Trutanich, United States
15 Attorney; Kevin D. Schiff, Assistant United States Attorney, counsel for the United States
16 of America and Rebecca A. Levy, Assistant Federal Public Defender, counsel for defendant
17 Jose Guillermo Tello-Albaran;

18 That the Preliminary Hearing currently scheduled for May 21, 2019, be vacated
19 and continued seven days from the current setting.

- 20 1. Counsel for Defendant needs additional time to meet and confer with her
21 client and to discuss the case, and is actively negotiating with the Government
22 regarding case resolution.
- 23 2. Counsel for Defendant and the Government agree to the continuance.
- 24 3. Defendant is detained and agrees to the continuance.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. The additional time additional time requested by this Stipulation is excludable in computing the time from the filing of the criminal complaint through which the government must assert an criminal Information or seek an Indictment by the Grand Jury pursuant to the Speedy Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

7. This is the first request for a continuance.

DATED this 20th day of May, 2019.

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Kevin Schiff
Kevin Schiff
Assistant United States Attorney

/s/ *Rebecca Levy*
Rebecca A. Levy, AFPD.
Counsel for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

2:19-mj-316-CWH

Plaintiff,

VS.

Jose Guillermo Tello-Albarran,

**ORDER TO CONTINUE
PRELIMINARY HEARING (First
Request)**

Defendant.

I. Findings of Fact

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The period within which the government may assert an Information or seek an Indictment through the Grand Jury against the defendant is hereby extended from the date of the filing of the complaint up through and including May 27, 2019.

2. Both counsel for Defendant and counsel for the government agree to the continuance.

- ### 3 Defendant is detained and agree to the continuance

- 5 The additional time requested by this Stipulation is excludable in computing the

time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

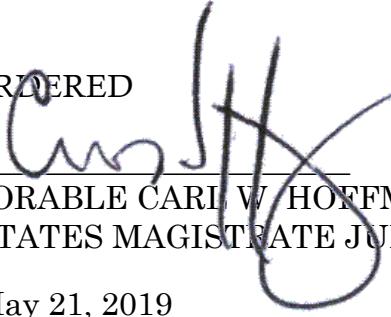
6. This is the first request to continue the preliminary hearing.

For all of the above-stated reasons, the end of justice would best be served by a continuance of the preliminary hearing.

1 **II. Order**

2 IT IS ORDERED that Preliminary Hearing currently scheduled for May 21, 2019, be
3 vacated and continued to May 29, 2019 at the hour of 4:00 p.m.

4
5 IT IS SO ORDERED

6
7 
THE HONORABLE CARL W. HOFFMAN
UNITED STATES MAGISTRATE JUDGE

8 DATED: May 21, 2019